

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1097**

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**Introduced by Assembly Member Eng**

February 27, 2009

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~~An act to amend Section 10326 of the Public Contract Code, relating to state contracts. An act to amend Section 5201 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1097, as amended, Eng. ~~State contracts: motor vehicles: fuel efficiency. Vehicles: license plates.~~

(1) Existing law authorizes the Department of the California Highway Patrol to establish requirements for equipment and devices to be used on any vehicle and defines the types of vehicles for this purpose. Existing law requires that license plates be securely fastened at all times to the vehicle for which they are issued so as to prevent the plates from swinging, be mounted in a position so as to be clearly visible, and be maintained in a condition so as to be clearly legible. A violation of the Vehicle Code is a crime, with specified exemptions.

This bill would also require that license plates be parallel with the ground so that the characters are upright, thereby imposing a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes procedures for competitive bidding of certain contracts by public entities. Existing law authorizes the state to make certain considerations in establishing bid specifications for the acquisition of motor vehicles.~~

~~This bill would require a state agency, department, officer, or other entity to only purchase or lease a motor vehicle that has a fuel efficiency of at least 35 miles per gallon of gasoline.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 5201 of the Vehicle Code is amended to  
2     read:

3     5201. License plates shall at all times be securely fastened to  
4     the vehicle for which they are issued so as to prevent the plates  
5     from swinging, shall be mounted in a position so as to be clearly  
6     visible *and parallel with the ground so that the characters are*  
7     *upright*, and shall be maintained in a condition so as to be clearly  
8     legible. The rear license plate shall be mounted not less than 12  
9     inches nor more than 60 inches from the ground, and the front  
10    license plate shall be mounted not more than 60 inches from the  
11    ground, except as follows:

12    (a) The rear license plate on a tow truck or reposessor's tow  
13    vehicle may be mounted on the left-hand side of the mast assembly  
14    at the rear of the cab of the vehicle, not less than 12 inches nor  
15    more than 90 inches from the ground.

16    (b) The rear license plate on a tank vehicle hauling hazardous  
17    waste, as defined in Section 25117 of the Health and Safety Code,  
18    or asphalt material may be mounted not less than 12 inches nor  
19    more than 90 inches from the ground.

20    (c) The rear license plate on a truck tractor may be mounted at  
21    the rear of the cab of the vehicle, but not less than 12 inches nor  
22    more than 90 inches from the ground.

23    (d) The rear license plate of a vehicle designed by the  
24    manufacturer for the collection and transportation of garbage,  
25    rubbish, or refuse that is used regularly for the collection and  
26    transportation of that material by any person or governmental entity  
27    employed to collect, transport, and dispose of garbage, rubbish,

1 or refuse may be mounted not less than 12 inches nor more than  
2 90 inches from the ground.

3 (e) The rear license plate on a two-axle livestock trailer may be  
4 mounted 12 inches or more, but not more than 90 inches, from the  
5 ground.

6 (f) A covering shall not be used on license plates except as  
7 follows:

8 (1) The installation of a cover over a lawfully parked vehicle  
9 to protect it from the weather and the elements does not constitute  
10 a violation of this subdivision. Any peace officer or other regularly  
11 salaried employee of a public agency designated to enforce laws,  
12 including local ordinances, relating to the parking of vehicles may  
13 temporarily remove so much of the cover as is necessary to inspect  
14 any license plate, tab, or indicia of registration on a vehicle.

15 (2) The installation of a license plate security cover is not a  
16 violation of this subdivision if the device does not obstruct or  
17 impair the recognition of the license plate information, including,  
18 but not limited to, the issuing state, license plate number, and  
19 registration tabs, and the cover is limited to the area directly over  
20 the top of the registration tabs. No portion of a license plate security  
21 cover shall rest over the license plate number.

22 (g) A casing, shield, frame, border, product, or other device that  
23 obstructs or impairs the reading or recognition of a license plate  
24 by an electronic device operated by state or local law enforcement,  
25 an electronic device operated in connection with a toll road,  
26 high-occupancy toll lane, toll bridge, or other toll facility, or a  
27 remote emission sensing device, as specified in Sections 44081  
28 and 44081.6 of the Health and Safety Code, shall not be installed  
29 on, or affixed to, a vehicle.

30 (h) (1) It is the intent of the Legislature that an accommodation  
31 be made to persons with disabilities and to those persons who  
32 regularly transport persons with disabilities, to allow the removal  
33 and relocation of wheelchair lifts and wheelchair carriers without  
34 the necessity of removing and reattaching the vehicle's rear license  
35 plate. Therefore, it is not a violation of this section if the reading  
36 or recognition of a rear license plate is obstructed or impaired by  
37 a wheelchair lift or wheelchair carrier and all of the following  
38 requirements are met:

39 (A) The owner of the vehicle has been issued a special  
40 identification license plate pursuant to Section 5007, or the person

1 using the wheelchair that is carried on the vehicle has been issued  
2 a distinguishing placard under Section 22511.55.

3 (B) (i) The operator of the vehicle displays a decal, designed  
4 and issued by the department, that contains the license plate number  
5 assigned to the vehicle transporting the wheelchair.

6 (ii) The decal is displayed on the rear window of the vehicle,  
7 in a location determined by the department, in consultation with  
8 the Department of the California Highway Patrol, so as to be clearly  
9 visible to law enforcement.

10 (2) Notwithstanding any other provision of law, if a decal is  
11 displayed pursuant to this subdivision, the requirements of this  
12 code that require the illumination of the license plate and the  
13 license plate number do not apply.

14 (3) The department shall adopt regulations governing the  
15 procedures for accepting and approving applications for decals,  
16 and issuing decals, authorized by this subdivision.

17 (4) This subdivision does not apply to a front license plate.

18 *SEC. 2. No reimbursement is required by this act pursuant to*  
19 *Section 6 of Article XIII B of the California Constitution because*  
20 *the only costs that may be incurred by a local agency or school*  
21 *district will be incurred because this act creates a new crime or*  
22 *infraction, eliminates a crime or infraction, or changes the penalty*  
23 *for a crime or infraction, within the meaning of Section 17556 of*  
24 *the Government Code, or changes the definition of a crime within*  
25 *the meaning of Section 6 of Article XIII B of the California*  
26 *Constitution.*

27 ~~SECTION 1. Section 10326 of the Public Contract Code is~~  
28 ~~amended to read:~~

29 ~~10326. (a) (1) A state agency, department, officer, or other~~  
30 ~~entity shall only purchase or lease a motor vehicle that has a fuel~~  
31 ~~efficiency of at least 35 miles per gallon of gasoline.~~

32 ~~(2) For purposes of this subdivision, "motor vehicle" means a~~  
33 ~~passenger vehicle, light-duty truck, or any other vehicle determined~~  
34 ~~by the California Air Resources Board to be a vehicle with a~~  
35 ~~primary use that is noncommercial personal transportation.~~

36 ~~(b) In establishing bid specifications for the acquisition of motor~~  
37 ~~vehicles and in determining the lowest responsible bidder,~~  
38 ~~consideration may be given by the state to the probable resale value~~  
39 ~~of the vehicles as determined by recognized published used car~~  
40 ~~marketing guides and other established historical evidence of future~~

1 ~~used motor vehicle value or, in lieu thereof, by contractual~~  
2 ~~guarantee of the apparent low bidder that the resale value of the~~  
3 ~~vehicle will be no less in proportion to bid price than any other~~  
4 ~~comparable vehicle complying with specifications for which a bid~~  
5 ~~was received.~~

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